

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "UTILITIES" BY AMENDING ARTICLE IV, ENTITLED "RATES AND CHARGES" TO IMPLMENT VARIOUS PROCEDURAL UPDATES AND CLARIFICATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to amend Division 1, entitled "Generally" of Article IV, entitled "Rates and Charges" to read as follows:

Sec. 114-111. - Application for service.

Application shall be made for water, sewer or any other utility service that may be furnished by the city to the city upon forms furnished therefor. Applicants shall submit the forms to the city via email, via phone or in person. Such application shall state the name and address of the applicant, the type of utility service desired, the purposes for which the application is made and such other information as the city may request.

Sec. 114-112. - Meter required.

Meters shall be required to measure the consumption of each utility service furnished by the city, except sewerage service.

Sec. 114-113. - Installation and maintenance of meters.

All meters required by this chapter and used to measure the consumption of utility services furnished by the city shall be installed and maintained by the city. All fees regarding the installation of a meter must be paid before utility service will be furnished.

Sec. 114-114. - Ownership of meters.

All meters used for the measurement of the consumption of any utility service furnished by the city shall be the property of the city. It shall be unlawful for any person to install or maintain any meter for such purposes anywhere within the city which is not owned by the city.

Sec. 114-115. - Reserved

Sec. 114-116. - Deposit.

(a) Application for service

- (1) Any person, firm or corporation desiring water and/or sewer service shall complete a customer application and shall fulfill all deposit requirements set forth in this section. Applications will be accepted in person at city hall, by phone or by email. All commercial, multi-family residential, and single-family residential accounts, including developers, builders, contractors and real estate companies, must acquire service in the name of the corporation, company and/or individual who will be responsible for all charges incurred on the account(s), and provide all required information to the city. A list of all authorized personnel eligible to connect/disconnect service must be provided to the utility billing department.
- (2) All information requested must be provided to obtain service for the initial deposit amount as stated in this section. At the discretion of the utility billing manager, the deposit amount may be increased to protect the city's interests.

(b) Residential customers.

- (1) Deposits for single-family residential customers shall be \$100.00. Deposits can be made in person at city hall or by U.S. mail, within four business days of connection date. Should the \$100.00 deposit not be received within that time frame, the \$100.00 deposit will be charged to the customer's account. A customer whose service was terminated due to non-payment and who is either reactivating the account or starting a new account will have a deposit amount of \$200.00. For customers whose service has been terminated for nonpayment, \$100 plus the past due amount must be paid before service will be reactivated or started and the remaining \$100 may be charged to the customer's account.
- (2) A customer may be accepted by the city without a cash deposit if any of the customer's previous utility companies (including the city itself) provides a letter that a good credit record has been maintained by the customer for a period of at least 12 consecutive months during the service period beginning no earlier than two years prior to the connection date. Good credit criteria with the City of League City Utility Billing Department include: No more than three late-payments, no disconnection of service for non-payment and no returned checks in the most recent 12-month period. Approval of the customer for a waiver of the cash deposit by the utility billing manager, acting on behalf of the director, shall be received within four business days after connection of service. When the waiver is not received, a \$100.00 deposit shall be charged to the customer's account.
- (3) Co-signers will be accepted for single-family residential users in lieu of a deposit only if the co-signer has an active account with the city for 12 consecutive months

and if the co-signer meets all of the requirements of a good credit customer. Default or delinquent payments may be reflected on the co-signer's account. The co-signer must sign the forms within four business days after connection of service for the new customer and can be removed from the account upon request after one year of good credit from the new customer. If the co-signer wants to be removed before the twelve-month period, the new customer must pay a deposit or obtain another co-signer.

- (4) If the co-signer fails to sign the forms within the time allowed, a \$100.00 deposit will be charged to the new customer's account.
- (5) Customers maintaining an active single-family residential account and who require service at another single-family residential location, may, with timely payments for a minimum of one year at the original account address, obtain the additional service with no deposit required.
- (6) The utility billing manager, acting on behalf of the director of finance, will have authority to charge a deposit on an existing account, which has maintained poor credit history with the city, and also has the authority to increase an existing deposit in order to protect the city's interest.
- (7) Upon written request, single-family residential customer deposits will be returned after twelve (12) consecutive months of on-time payment for water utility service. All deposits not refunded will be applied to the final bill.

(c) *Commercial and multiunit customers.*

- (1) Deposits for commercial industrial and multiple unit users shall be equal to three months' service charge for a like and similar commercial customer. When there is no like or similar commercial customer to use as a basis for determining the commercial deposit, such deposit shall be determined by the utility billing manager, acting on behalf of the director of finance, based on an estimate of the average expected three-month charge to the applicant. Deposits are subject to review by the director of finance for the purpose of reducing or increasing the amount of the deposit for reasonable cause.
- (2) Deposits may be made in the form of a surety bond guaranteeing payment by commercial and multiple unit users in lieu of a cash deposit. Such bond must be made by a financial institution or insurance carrier approved by the director of finance and be no less than \$10,000. Deposits made by bond shall be made within thirty days after service start-up. If bond has not been furnished to the utility billing department by the end of 30 days, a cash deposit equaling three months, estimated usage will be required to maintain service.
- (3) Temporary service for a major construction job will require a \$1,500.00 deposit for meter and fittings and will require the contractor to report the readings monthly. Contractors not submitting readings for a period of three months or longer may be subject to forfeiture of their deposit at the discretion of the Utility Billing Manager.

- (4) The Utility Billing Manager will have authority to charge a deposit on an existing account, which has maintained poor credit history with the city in order to protect the city's interests.
- (5) Customers maintaining an active commercial account, who require service at another commercial location may, with timely payments for a minimum of one year at the original account address, obtain the additional service with no deposit required.
- (6) All commercial paid deposits will be applied to the final bill. All unpaid balances may be forwarded to collection agency for pursuit of payment.

Sec. 114-117. - Water tap charges.

The charges which shall be made by the city for each and every water tap connection made to the city's water mains shall be as determined by the city council from time to time.

Sec. 114-117.1. - New service fee.

A new service fee in the amount of \$15.00 will be charged for each new service account requested. The fee may be paid at the time of the request or may be billed to the customer on the initial water bill.

Sec. 114-118. - Monthly wastewater rates and charges.

All wastewater rates are based upon water meter readings, except in those cases in which a city water meter does not exist.

- (1) *Residential rates:*
 - a. Ready to serve monthly charge \$13.88
 - b. Rate of charge per 1,000 gallons from zero usage to 3,000 gallons \$1.80
 - c. Charges per 1,000 gallons in excess of first 3,000 gallons but not to exceed the charge for 10,000 gallons per month \$4.62
- (2) *Commercial rates, including schools, multiple unit, apartments, and condominiums:*
 - a. Ready to serve monthly charge \$13.88
 - b. Rate of charge per 1,000 gallons from zero usage to 3,000 gallons \$3.00
 - c. Charge per 1,000 gallons in excess of first 3,000 gallons \$4.62
- (3) Industrial accounts shall contract with the city for rates varying from the foregoing sewer rates depending upon the volume and strength of sewer discharge.

- (4) A flat rate of \$31.99 per month shall be charged to residential customers where water usage is not metered.
- (5) Upon the request of the city a commercial or industrial sewer user not serviced through a water meter must have a sewer meter installed for the purpose of billing.

Sec. 114-119. - Monthly water rates.

(a) *Residential rates, single-family dwellings:*

- (1) Ready to serve monthly charge \$7.13
- (2) Rate of charge per 1,000 gallons for all water metered from zero usage to 3,000 gallons \$1.50
- (3) Rate of charge per 1,000 gallons for all water metered in excess of the first 3,000 gallons per month to 10,000 gallons \$5.50
- (4) Rate of charge per 1,000 gallons for all water metered in excess of the first 10,000 gallons per month to 25,000 gallons \$7.00
- (5) Rate of charge per 1,000 gallons for all water metered in excess of the first 25,000 gallons per month \$8.50

(b) *Commercial rates, including schools, multiple unit, apartments, and condominiums:*

- (1) Ready to serve monthly charge \$7.13
- (2) Rate of charge per 1,000 gallons for all water metered from zero usage to 3,000 gallons \$3.00
- (3) Rate of charge per 1,000 gallons for all water metered in excess of the first 3,000 gallons \$5.90

(c) *No connections; water metered off fire hydrants for temporary use in construction:*

- (1) Ready to serve monthly charge \$57.13; includes the monthly rental fee plus a ready-to-serve monthly charge
- (2) Rate of charge per 1,000 gallons for all water metered including zero usage \$7.00

(d) *Irrigation for landscape:* Rate of charge per 1,000 gallons for all water metered including zero usage \$7.00

(e) *Wholesale rates:* Weighted average cost of water delivered in the month for which the charge applies.

Sec. 114-119.1. - Services provided by outside entities.

City residents who receive water and wastewater service from an outside entity and whose service is being billed and maintained by the city shall pay:

- (a) The rates for water and wastewater service as stated herein [in sections 114-118 and 114-119]; or
- (b) A comparable rate to offset (pass thru) the charge by the outside entity plus five percent; or
- (c) Whichever is to the advantage of the city.

Sec. 114-119.2. - Additional service charges.

- (a) A customer shall be entitled to one free "customer requested" manual re-read and/or field testing of a water meter that is 2-inches or less during a 12-month period. Any other "customer requested" manual re-reads and/or field testing of a water meter that is 2-inches or smaller shall cost \$65.00. "Customer requested" manual re-reads and/or field testings of meter that is 3-inches or larger shall be performed by a city-hired contractor at the cost of the customer.
- (b) "Customer requested" bench testing of a ¾ or 1-inch water meter is \$50.00. "Customer requested" bench testing of a meter that is 1 ½ -inch or larger shall be tested by a city-hired contractor at the cost of the customer.
- (c) Where a meter set is requested by a builder, contractor or individual in a box that has been inspected and approved but later found non-compliant, or the lid has been removed, notification will be made by the utility billing department to raise or lower the box or replace the lid before the meter will be set. If, after a second request from builder or sub-contractor, to set the meter, the box is out of compliance, a service charge of \$50.00 will be billed to account, per incident at that location. After corrections are made the meter will be set.
- (d) Where a first time only "meter set" is requested by a builder or developer or a homeowner at a location, the cost of the meter shall be paid at the same time service connection fees are paid, prior to the meter being set.

Sec. 114-119.3. - Temporary service.

- (a) The following charges for temporary residential service shall apply to all good credit residential customers of the city water and sewer systems. Initial charges for this service may be collected at the time service is requested or may be billed to the customer. The service period will be established at the time of request, not to exceed five business days.
 - (1) New service fee \$15.00
 - (2) Consumption charges per 1,000 gallons of water:
 - Zero usage to 3,000 gallons \$1.50
 - 4,000 to 10,000 gallons \$5.50

11,000 to 25,000 gallons \$7.00

26,000 gallons and more \$8.50

(3) Consumption charges per 1,000 gallons of sewer:

Zero usage to 3,000 gallons \$1.80

4,000 gallons, not to exceed 10,000 gallons \$4.62

- (b) Additional consumption registered on the meter at the time of termination of temporary service shall be charged to the customer's active account at the current residential rates and will be due and payable at the time the account billing becomes due.

Sec. 114-120. - Due date for payment of charges.

All water, wastewater and solid waste charges, as established by this chapter shall be billed on a monthly basis and shall be due within 15 business days of the billing date. Water, sewer and solid waste charges shall appear on one and the same statement or bill, separately itemized, but shall be considered as one billing. Payment for one service shall not be received without payment for all services where other services are received. All payments not received in the utility billing department by the close of business on the due date will have a ten percent penalty charge added to the bill. This will be the policy unless other arrangements have been made with the utility billing department.

Sec. 114-120.1. - Bill adjustments.

- (a) Upon written request, the Utility Billings Manager has the discretion to reduce water utility charges resulting from a customer leak by rate of up to 50% once every 12 months if the following criteria is met:
- (1.) The primary account holder submits a written request that contains the primary account holder's name, service address, contact information;
 - (2.) The written request contains a detailed descriptions of repair work performed and/or parts purchased with accompanying receipts and/or invoices;
 - (3.) The customer leak must have occurred within three (3) months of the date of the written request;
 - (4.) The primary account holder must have six (6) months of previous continuous service in good standing;

- (b) A customer may appeal all bill adjustment decisions of the Utility Billings Manager to the Finance Director. The decision of the Finance Director is final.

Sec. 114-121. - Disconnection of service for nonpayment.

If any water and/or wastewater charge is not paid within ten business days after the due date, such service as was extended and not paid for may be discontinued.

Sec. 114-122. - Resumption of service after disconnection for nonpayment.

Whenever any service is discontinued for reason of nonpayment of charges, a processing fee of \$40.00 shall be paid as well as the past due amount before service can be resumed. If a customer's name has made it to the final running of the cut list, a processing fee of \$40.00 shall be paid, as well as the past due amount to avoid disruption of service. Should the customer turn their service back on before charges have been paid, the meter will be removed and a tamper fee of \$75.00 shall be collected before service is resumed. For any customers subject to disconnection of service where the technician cannot disconnect the service, due to extenuating circumstances, a processing fee of \$40.00 may be charged to the customer's account.

Sec. 114-123. - Rates and charges of franchised public utilities to be fixed by city council.

The city council shall fix and approve the rates charged by any private public utility company franchised by the city and doing business within the city. It shall be unlawful for any such public utility company or any officer or employee thereof to assess or charge for services rendered any rate other than the rate so fixed or approved.

Sec. 114-124. - Voluntary discontinuance of service.

Any customer wishing to discontinue service shall give notice to the utility billing department; otherwise, the charges for the service as herein established shall continue to apply until such notice is given. If a request for discontinuance of services is made, the customer shall be refunded any deposits made less any amount which is due and owing to the city. Requests for discontinuance of service may be made either by phone, in person, in writing or by fax, by the customer, spouse, or someone who has documented proof of acting on behalf of the customer due to illness, death, or other justifiable reason. Charges will be prorated for length of service.

Sec. 114-125. - Bankruptcy notice.

The utility billing department shall, upon notice of bankruptcy notice listing the city water department as part of its legal debt, immediately close the existing service account and create a new account, with the active date of the new account being the date of receipt of such notice unless otherwise directed in writing, by the person(s) filing the bankruptcy action. Deposits on record will be applied to the finalized account. A new deposit will apply for the new account. Balances due to closed accounts will remain in terminated account file until such time as balance is paid by debtor through reorganization or the city is notified that amounts will not be paid by debtor, per court order. Those balances will then be written off in the usual manner with approval of the mayor and city council and will be noted as bankruptcy on department record.

Sec. 114-126. - Write-offs.

Terminated accounts with balances over ninety 90 days past due may be submitted to a collection agency for pursuit of payment. Terminated accounts with balances from prior fiscal years may be submitted to the city council for approval to write off. All write-off balances must be paid in full and a higher deposit must be received before utility service may be restarted.

Sec. 114-127. - Transferring service.

If a current customer is transferring service from one location to another within the city, they may do so in person, by phone or by email. If the customer currently has a deposit or co-signer, that deposit or co-signer information will transfer to the new account. If the customer previously had a letter of credit or their deposit had been refunded, the credit history for the most recent 12 months must meet the "Good Credit Criteria" as described in section 114-116 in order to waive the need for a new deposit. If the customer does not meet the criteria they will be required to pay a deposit or obtain a co-signer.

Sec. 114-128. - After hour and same day service fees.

If city personnel are called out within 60 minutes of closing, from utility billing's normal business hours to re-set a water meter or resume water service, a \$50.00 after-hour fee will be charged to the customer's account.

For new service requests, same day service shall be provided, only by the customer's request prior to 1:00 p.m., Monday through Thursday working days. All same day service customers' request after 1:00 p.m., Monday through Thursday working days, and all-day Friday are subject to a \$50.00 fee.

Sec. 114-129. - Tamper fee.

If it is determined that a meter has been tampered with, other than by city personnel, a \$75.00 tamper fee may be charged to the customer's account.

Sec. 114-129.2. - Tampering with or damaging waterworks or sanitary, sewer systems; unlawful use of water.

(a) It shall be unlawful for any person to tamper, alter, connect to, or alter any component of the city waterworks and sanitary sewer system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include the direct or indirect efforts to initiate or restore water service without the approval of the city.

(b) A person commits an offense if, without the written consent of the city manager or designee, the person knowingly causes, suffers or permits the initiation or restoration of water service to premises after city termination of service. For purposes of this section it shall be presumed that the owner, occupant or person in control of the premises caused, suffered, or permitted the unlawful initiation or restoration of service.

(c) It shall be unlawful to cover, conceal, or allow any obstruction that hinders access to any water valve box, service, or meter box.

Sec. 114-130. - Fire hydrant rental fees.

A monthly, flat rate rental fee of \$50.00 will be charged to customers utilizing city-owned, temporary fire hydrant for construction. Should the customer utilize the meter less than 30 days, the fee will not be pro-rated. A deposit of \$1,500.00 must be paid upon start of service. Contractors not submitting meter readings for a period of three (3) months or longer may be subject to forfeiture of their deposit at the discretion of the Utility Billing Manager. Upon return of the meter, any damage or missing parts will be assessed to the account.

Sec. 114-131. - Meter parts charges.

Should a customer, with the exception of builders and contractors accidentally damage a water meter and/or the electronics associated with the meter, city personnel will replace and/or repair the meter at no charge after the first occasion a customer has damaged the meter. Any subsequent damage to the meter and/or electronics will incur a fee to the customer for the cost of the parts necessary to repair the meter. The cost of repairs to a meter will be assessed on any occasion in which damage to a meter has been caused by a builder or contractor.

Secs. 114-132—114-140. - Reserved.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the 13th day of February, 2018.

PASSED second reading the ____ day of _____, 2018.

PASSED AND ADOPTED the ____ day of _____, 2018.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney